



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/808,579	03/25/2004	Yuichi Kawahata	1344.1139	8189
21171	7590	12/18/2007		
STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			EXAMINER LIN, PHYOWAI	
			ART UNIT 2613	PAPER NUMBER
			MAIL DATE 12/18/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 10/808,579	Applicant(s) KAWAHATA, YUICHI	
	Examiner PHYOWAI LIN	Art Unit 2613	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 4, 12 and 14 is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_ is/are rejected.
- 7) ☒ Claim(s) 1-3, 5-11 and 13 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on \_\_\_\_ is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)<br>2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)<br>3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>03/25/2004 and 07/26/2007</u> . | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____.<br>5) <input type="checkbox"/> Notice of Informal Patent Application<br>6) <input type="checkbox"/> Other: _____. |
|---|---|

### EX PARTE QUAYLE ACTION

1. This application is in condition for allowance except for the following formal matters:

#### ***Claim Objections***

2. Claims 1-3, 5-11 and 13 objected to because of the following informalities:  
Appropriate correction is required.

**Regarding to claim 1**, line 4, the word "---the one-dimensional direction--" should be replaced by "---- a one-dimensional direction---". In line 16, the word "---the operating of wavelength dispersion---" should be replaced by "---an operating of wavelength dispersion---". In line 19, the word "---the operation time...." should be replaced by "---an operation time---". In line 22, the word "---the position of said reflector---" should be replaced by "---a position of said reflector---". In line 25, the word "---the judgment result---" should be replaced by "----a judgment result ----".

**Regarding to claim 2**, line 4, the word "---the one-dimensional direction--" should be replaced by "---- a one-dimensional direction---". In line 15, the word "---the temperature of said optical component ---" should be replaced by "---a temperature of said optical component----". In line 16, the word "---the operating of wavelength dispersion---" should be replaced by "---an operating of wavelength dispersion---". In line 19, the word "---the operation time...." should be replaced by "---an operation time---". In line 27, the word "---said judgment result---" should be replaced by "----a judgment result ----".

**Regarding to claim 3**, line 3, the word “---the ambient temperature of said wavelength dispersion----” should be replaced by “-----an ambient temperature of said wavelength dispersion---”. In line 4, the word “---stored for the wavelength transmission characteristic wavelength dispersion----” should be replaced by “----- stored for a wavelength transmission characteristic wavelength dispersion ---”

**Regarding to claim 5**, line 3, the word “----the parameter being the reference of the wavelength transmission characteristic----” should be replaced by “---- a parameter being a reference of the wavelength transmission characteristic----”. In line 4, the word “----the center wavelength of transmission band----” should be replaced by “----a center wavelength of transmission band----”.

**Regarding to claim 6**, line 3, the word “----the parameter being the reference of the wavelength transmission characteristic----” should be replaced by “---- a parameter being a reference of the wavelength transmission characteristic----”.

**Regarding to claim 7**, line 3, the word “----the parameter being the reference of the wavelength transmission characteristic----” should be replaced by “---- a parameter being a reference of the wavelength transmission characteristic----”.

**Regarding to claim 8**, line 4, the word “---the one-dimensional direction--” should be replaced by “---- a one-dimensional direction---”. In line 18, the word “---the temperature of said optical component ---” should be replaced by “---a temperature of said optical component----”. In line 18, the word “---the operating of wavelength dispersion---” should be replaced by “---an operating of wavelength dispersion---”. In line

22, the word “---the operation time...” should be replaced by “---an operation time---”. In line 32, the word “---controlling the position of said reflector...” should be replaced by “---controlling a position of said reflector---”. In line 33, the word “---said judgment result---” should be replaced by “---a judgment result---”.

**Regarding to claim 9**, line 4, the word “---the one-dimensional direction--” should be replaced by “---- a one-dimensional direction---”. In line 16, the word “---the operating of wavelength dispersion---” should be replaced by “---an operating of wavelength dispersion---”. In line 18, the word “---the position of said reflector---” should be replaced by “----a position of said reflector --”. In line 21, the word “---the operation time...” should be replaced by “---an operation time---”. In line 26, the word “---the judgment result---” should be replaced by “---a judgment result---”.

**Regarding to claim 10**, line 4, the word “---the one-dimensional direction--” should be replaced by “---- a one-dimensional direction---”. In line 16, the word “---the operating of wavelength dispersion---” should be replaced by “---an operating of wavelength dispersion---”. In line 23, the word “---the operation time...” should be replaced by “---an operation time---”. In line 29, the word “---the judgment result---” should be replaced by “---a judgment result---”.

**Regarding to claim 11**, line 3, the word “---the ambient temperature --” should be replaced by “---- an ambient temperature---”.

**Regarding to claim 13**, line 4, the word “---the one-dimensional direction--” should be replaced by “---- a one-dimensional direction---”. In line 18, the word “---the temperature of said optical component ---” should be replaced by “---a temperature of

said optical component----". In line 19, the word "---the operating of wavelength dispersion---" should be replaced by "---an operating of wavelength dispersion---". In line 27, the word "---the operation time...." should be replaced by "---an operation time---". In line 36, the word "---the judgment result---" should be replaced by "---a judgment result ---".

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 25 USPQ 74, 453 O.G. 213, (Comm'r Pat. 1935).

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

#### ***Conclusion***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to PHYOWAI LIN whose telephone number is (571) 270-1659. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kenneth Vanderpuye can be reached on (571) 272-3078. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Application/Control Number:  
10/808,579  
Art Unit: 2613

Page 6

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

PWL

12/10/07

\*\*\*



KENNETH VANDERPUYE  
SUPERVISORY PATENT EXAMINER